

UNITED STATES DISTRICT COURT  
for the

Western District of North Carolina

United States of America )  
v. )  
RONALD BENBOW ) Case No: 3:01CR31-03  
Date of Previous Judgment: April 19, 2002 ) USM No: 16614-058  
(Use Date of Last Amended Judgment if Applicable) ) Steven t. Meier  
Defendant's Attorney )

**Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)**

Upon motion of  the defendant  the Director of the Bureau of Prisons  the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

**IT IS ORDERED** that the motion is:

## **I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)**

Previous Offense Level: 34 Amended Offense Level: 32  
Criminal History Category: VI Criminal History Category: VI  
Previous Guideline Range: Life to months Amended Guideline Range: Life to months

## II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- The reduced sentence is within the amended guideline range.
  - The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
  - Other (explain): Since the defendant is a career offender under USSG § 4B1.1, Amendment 706 does not result in any change to the Base or Total Offense Levels or the advisory guideline range. Pursuant to amended USSG § 1B1.10(a)(2)(B), “A reduction in the defendant’s term of imprisonment ... is not authorized under 18 U.S.C. § 3582(c)(2) if – [the amendment] does not have the effect of lowering the defendant’s applicable guideline range.”

### **III. ADDITIONAL COMMENTS**

Except as provided above, all provisions of the judgment dated April 19, 2002 shall remain in effect.

## **IT IS SO ORDERED.**

Order Date: November 17, 2008

Effective Date: \_\_\_\_\_  
(if different from order date)

Frank D. Whitney